

Agenda Item # 23a
Date 1/27/21

**MINUTES
DODGE COUNTY PLANNING COMMISSION**

Meeting of the Dodge County Planning Commission was called to order by Chairman, Marlin Brabec at 4:30 P.M., Tuesday, January 19, 2021 in the Board of Supervisors Room on 3rd Floor of the Courthouse, Fremont, Nebraska. The following members were present: Brabec, Fooker, Giesselmann, Hansen, Rolf, Wagner and Weitzenkamp. Absent: Ruzicka and Taylor.

The meeting was declared legally convened, due to Public Notice given and is considered to be an Open Meeting.

Chairman Brabec welcomed new board member, Tom Weitzenkamp

Chairman Brabec asked if ex-parte had been received. None were reported.

Motion was made by **Fooker** to accept the Minutes of the September 15, 2020 meeting as mailed. Seconded by **Rolf**. Motion carried by voice vote with the following voting yes: Fooker, Giesselmann, Hansen, Rolf, Wagner and Brabec. Absent: Ruzicka and Taylor. Weitzenkamp abstained from voting.

Public Hearing: Consider request of City of Scribner and various citizens to develop guidelines or zoning regulations for the storage and disposal of Gypsum and Biomass in and around the County of Dodge as well as developing zoning changes required for the enforcement of Resolution No. Res 2000-001

Chairman Brabec declared the Public Hearing open.

Adam Taylor answered the roll.

For:

Elmer Armstrong, City Administrator for Scribner spoke saying the operation had a bad manager, allowing the material at the Scribner Airbase to be stored longer than necessary from their industrial project. He stated that long term storage is of no benefit to the county and the quality of life.

Mike Klema, representing Environmental Land Management from Austin, MN stated that they were storing the material for the farmers and recycle the industrial bi-products for Cargill and multi counties. He went on to say that they will no longer do any longtime stockpiling and will not use the Scribner Airbase again unless they get an approval to do so.

Brabec so, they will not be using the property for longtime stockpiling of material?

Klema stated they would do short-term stockpiling as we haul to the fields and thinks it has very good value. No plan to do any longterm stockpiling. Might be 30-day stock pile or short time stock pile.

Rolf asked what the typical rate for Gypsum. **Klema** stated usually 4 to 5 tons per acre. **Weitzenkamp** asked for the rate of Bio-Mass. **Klema** stated 10 to 20 Tons per application. **Andrews** asked if they do a soil test on the farm ground before applying and after application. **Klema** stated they do a soil test for each site on the Bio-Mass. **Weitzenkamp** asked how many tons does Cargill produce each week. **Klema** stated the Gypsum is a load per day. **Wagner** asked if there was some way to get the moisture out of the Bio-Mass that causes the smell. **Klema** said they flew over it once to spray for the flies and that they use a machine to turn the product to dry it out. **Wagner** stated that they need to do something to control the flies more than once a year. **Giesselmann** asked how often do they turn the material. **Klema** stated they flew over it once, but using a machine to turn the material wasn't as effective in controlling the flies.

Elmer Armstrong wished to speak again. **Brabec** asked for a motion to allow Mr. Armstrong to speak again. Motion was made by **Giesselmann** and seconded by **Wagner**. Motion carried by voice vote. Those voting yes: Giesselmann, Hansen, Rolf, Taylor, Wagner, Weitzenkamp, Fooker and Brabec. Absent: Ruzicka.

Elmer Armstrong stated he had some papers he wanted the board to place into record, a letter written to Brett Anderson, Program Specialist with NDEQ Water Quality Division dated October 29th, 2020 from Environmental Land Management LLC stating they were removing all the stockpile byproducts and the land would return to agricultural use and that they would not use the land as a Material Storage Facility in the future. He also presented the board with a picture of the stockpile.

Motion was made by **Fooker** and seconded by **Giesselmann** to accept the letter and picture into record. Motion carried by voice vote. Those voting yes: Hansen, Rolf, Taylor, Wagner, Weitzenkamp, Brabec, Fooker and Giesselmann. Absent: Ruzicka.

Klema responded to the letter stating it was misleading. The storage of the material is temporary. **Armstrong** stated they have stored it there for more than 30 days. **Klema** stated their goal was to field stock pile and partner with the local farmers. **Weitzenkamp** asked how many acres would they need. **Klema** stated they would do it various areas. Gypsum, could be applied on a couple thousand acres and the Bio-Mass on 500 acres or less. **Rolf** asked if it was the Gypsum creating the problem or the Bio-Mass?

Lonnie Niewohner spoke stating the Bio-Mass is the end all and needs to be cleared. Was sick of smelling the stuff. He asked if when they bring this out, do they plan on

incorporating it. And, you can not apply it in the winter time. **Wagner** stated that most farmers can not incorporate the material due to No-Tilling.

With no further discussion, **Giesselmann** moved to close the public hearing and **Hansen** seconded. Motion carried by voice vote. Those voting yes: Rolf, Taylor, Wagner, Weitzenkamp, Brabec, Fooken, Giesselmann and Hansen. Absent: Ruzicka.

There was much discussion regarding ideas as to how to determine some sort of guidelines or regulations regarding the short term versus the long time storage of Bio-Mass. Brabec stated he didn't think the county should allow the stockpiling but to apply it to fields that the farmer requests it for. There was talk of applying it to at least 400 acres and not requiring Gypsum to obtain a permit. Fooken stated they should be required to apply for a Conditional Use Permit from the applier and make it site specific only; to apply it to a field. Weitzenkamp asked if there was a polimer added to the product to keep it from flattening out. Klema stated they put the Gypsum around every pile. It was determined by a majority that the county should not allow stockpiling but to be applied to the farmer's land.

Andrews stated she would make some changes to the Corn Milling regulations that she had proposed years ago and send them out to the board.

Item 6 Election of Officers. Motion was made by **Hansen** and seconded by **Giesselmann** to retain the current officers: Marlin Brabec, Chairman; Brad Fooken, Vice-Chairman and Allen Rolf, Secretary. Motion carried by voice vote. Those voting yes: Taylor, Wagner, Weitzenkamp, Brabec, Fooken, Giesselmann, Hansen and Rolf. Absent: Ruzicka.

With no further business **Giesselman** moved to adjourn at 5:25 P.M. and seconded by **Hansen**. Motion carried: Wagner, Weitzenkamp, Brabec, Fooken, Giesselmann, Hansen, Rolf and Taylor. Absent: Ruzicka. The next scheduled meeting will be February 16, 2021 at 4:30 P.M.

Respectfully submitted,

Allen Rolf
Secretary, Dodge County
Planning Commission

Dodge County
Planning & Zoning Commission

Approval Date



**ENVIRONMENTAL
LAND MANAGEMENT LLC**
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RECEIVED

October 29th, 2020

NOV - 2 2020

Brett M. Anderson, Program Specialist
NDEQ Water Quality Division
1200 N Street, Suite 400
PO Box 98922
Lincoln, NE 68509-8922

NE Dept of Environment and Energy
By: _____ DEE #171 _____

Dear Mr. Anderson,

Environmental Land Management leases agricultural land from Donald Witte to temporarily stockpile corn milling byproducts. In response to your letter to Donald Witte, dated September 29th, 2020, I would like to address the issues outlined.

1. Immediately after the inspection we re-sealed two drains that were exposed for the inspection. The drains were sealed with plastic and covered with cloth fabric, as well as surrounded by silt socks and silt fencing. Byproducts are located a minimum of 200' from all other drains.
2. The drain nearest to the stockpile has been surrounded by silt sock and silt fence. All other drains have been surrounded by silt sock.
3. Silt fencing was placed on the edge of the grassed vegetative buffer zone adjacent to the concrete. The fencing has been placed in a horseshoe pattern.
4. We have followed our Best Management Practices, as well as the NPDES Permit guidelines, and implemented extra preventive measures where necessary to prevent any possible fugitive migration. To date no fugitive migration has been recorded.
5. Continued monitoring of the temporary stockpile site and all preventive measures implemented will continue until all byproducts are safely removed and land applied.

Our land application season typically runs from October 15th-April 30th and the byproducts temporarily stored at this site are currently being removed for land application. As of October 29th, 2020 we have removed and land applied 25,560 tons of stockpiled byproducts. We



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currently estimate 40,000 tons remain. This should be removed in 20-28 working days, dependent on weather.

Once all stockpiled byproducts have been removed and land applied we will be returning the land to agricultural use. We do not plan to use this agricultural land as a Materials Storage Facility in the future. After discussing with Donald Witte, it will not be his intention to submit a SWPPP or apply for a General Stormwater Permit.

If you should have any questions or concerns please do not hesitate to contact me. As always I am more than happy to provide information when it is requested.

Sincerely,



Nate Hansen
Director, Environmental Land Management, LLC



AGENDA
DODGE COUNTY PLANNING COMMISSION

Dodge County Planning Commission, Tuesday, January 19, 2021 at 4:30 P.M., Board of Supervisors Room, Courthouse, Fremont, NE.

1. Call to Order at 4:30 P.M. – Roll Call – Declaration of Open Meeting
2. Legality of Meeting – Approval of Agenda
3. Declaration of Exparte
4. Approval of Minutes of September 15, 2020 Meeting

5. **Public Hearing:** Consider request of City of Scribner and various citizens to develop guidelines or zoning regulations for the storage and disposal of Gypsum and Biomass in and around the County of Dodge as well as developing zoning changes required for the enforcement of Resolution No. Res 2000-001

Testimony:

For:

Against:

Possible Action:

6. Election of Officers for 2021
7. Other business brought to the board (By Published Addendum)
8. Adjournment

AGENDA POSTED AND KEPT CONTINUALLY CURRENT AT THE DODGE COUNTY COURTHOUSE AND DISTRIBUTED TO THE PLANNING COMMISSION ON JANUARY 8, 2020. COPIES AVAILABLE AT THE OFFICE OF THE COUNTY ZONING ADMINISTRATOR AND COUNTY CLERK.

**NOTICE
PUBLIC MEETING AND HEARINGS
DODGE COUNTY PLANNING COMMISSION
AND
DODGE COUNTY BOARD OF SUPERVISORS**

NOTICE IS HEREBY GIVEN, that public hearing of the Dodge County Planning Commission will be held during their special meeting, January 19, 2021 at 4:30 P.M. and with the Dodge County Board of Supervisors during their regularly scheduled meeting on Wednesday, January 27, 2021 at 9:00 A.M. Both meetings will be held in the Dodge County Board of Supervisors Room., 3rd floor of the Courthouse, Fremont, NE for the purpose of hearing testimony of support, opposition, criticism, suggestions or observations for the following items:

1. Consider request of City of Scribner and various citizens to develop guidelines or zoning regulations for the storage and disposal of Gypsum and Biomass in and around the County of Dodge as well as developing zoning changes required for the enforcement of Resolution No. Res 2000-001
2. Election of Officers for 2021

Questions or comments concerning the public hearings and proposed request should be directed to the Zoning Administrator at (402) -727-2724 and the Dodge County Clerk's Office at (402)727-2767. All interested parties may offer oral comments at the public hearings and/or may file written comments with the Zoning Administrator or County Clerk concerning the petition and such comments shall be considered by the Board, provided such written comments are received prior to the public hearing dates.